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December 20, 2017

Via ECF

Honorable Allyne R. Ross
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Vincent Asaro
17 Cr. 00127 (ARR)

Dear Judge Ross:

This letter is written to supplement my letter of December 19, 2017 with regard to Mr. Asaro's medical condition and to seek emergency bail so that he can get proper medical treatment.

As stated in my letter yesterday, Mr. Asaro had cardiac surgery on or about October 31, 2017. After only a few short hours in the Intensive Care Unit he was transported back to the MDC and placed in the SHU with no medical treatment. Despite the fact that his blood pressure consistently tested dangerously high, he was not seen by a doctor after his surgery until counsel intervened. This is true despite the fact that Mr. Asaro consistently advised the staff at the MDC that he was not feeling well. Over the course of the weekend Mr. Asaro was taken to the hospital and his regimen of medications was altered to address his high blood pressure and he was returned to the MDC on Sunday night.

Yesterday I witnessed just how sick Mr. Asaro is. While on a legal visit Mr. Asaro was incoherent and unable to leave the visiting room on his own power. I have been advised that Mr. Asaro was taken to the hospital yesterday after my visit. While there, his medications were once again adjusted. This time his blood pressure was dangerously low. Apparently, his medications were improperly adjusted over the course of the weekend thus causing his blood pressure to go from dangerously high to dangerously low. He was then sent back to the MDC without further observation.

This was Mr. Asaro's fifth trip to the hospital since his incarceration on March of 2017. While the government advances that the Bureau of Prisons is capable of taking care of him that is clearly not the case.

On May 18, 2017, Your Honor denied a bail application made on Mr. Asaro's behalf. Since that time two major circumstances have changed. First, the government has advised the Court that is unable to prove any allegation that Mr. Asaro threatened to kill a prosecutor. At the previous bail hearing the government vehemently argued this allegation was a basis for detention and Your Honor relied on the government's representation.¹ Second, Mr. Asaro's health has clearly taken a dramatic turn for the worse

¹ At bail arguments in attempt to secure Mr. Asaro's pre-trial detention, the government stated, "The defendant made multiple, specific, serious threats regarding a prosecutor. He told one of his co-

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and the MDC is incapable of caring for him. His cardiac situation is so severe it is remarkable that he has survived this long given the care he has received.

Once the Court has issued a detention order, as it has regarding this defendant, it may reconsider that order and reopen the detention hearing “if the judicial officer finds that information exists that was not known to the movant at the time of the hearing and that has a material bearing on the issue whether there are conditions of release that will reasonably assure the appearance of such person as required and the safety of any other person and the community.” 18 U.S.C. § 3142(f)(2). Here, the government’s concession that the allegations that Mr. Asaro threatened to kill the prosecutor were not credible constitutes a change in circumstances as the Court, in part, relied on these allegations to find that Mr. Asaro was willing and able to “call on the services of younger and able Bonanno members to do his bidding” and “demonstrates defendant’s ongoing affiliation with the Bonanno family and his penchant to call on Bonanno associates to execute violent crime.” May 18, 2017 Tr. at 14-15. This alone constitutes a sufficient change in circumstance to justify reopening the detention hearing. However, in addition, Mr. Asaro’s health has taken a stark turn for the worse and the sub-par care he receives constitutes further grounds to reopen the hearing. *United States v Thavaraja*, 2009 U.S. App. LEXIS 5730, at *2 [2d Cir Mar. 18, 2009, No. 08-3589-cr] (defendant must renew application for bail before District Court based on deteriorating health as a factor weighing in favor of release); *United States v. Montemarano*, 1986 US Dist LEXIS 25897, at *7 [SDNY May 5, 1986, No. S 84 Cr. 809 (JFK)] (defendant’s failing health considered in granting pre-trial release).

For all of these reasons we ask that emergency bail be set in this case so that Mr. Asaro can receive proper medical care. The Asaro family is prepared to secure a significant bond and Mr. Asaro will submit to any condition of release the Court seems appropriate.

Respectfully submitted,

Elizabeth E. Macedonio

Elizabeth E. Macedonio and Carla Sanderson
Counsel for the Defendant
Vincent Asaro

cc: All Counsel – Via ECF

defendants, another Bonanno associate, that he didn’t just say, oh she’s a bad person, oh, she treated me unfairly... he said quote ‘we need to do something and we need to handle this.’ Those are, in Mr. Asaro’s world and in the criminal world, those are specific words with a specific meaning and it is of the utmost serious nature. It’s murder.” May 18, 2017 Tr. at 6-7.